

# Immigration and Refugee Board of Canada

[Home](#) > [Research Program](#) > Responses to Information Requests

## Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website.

13 June 2013

HTI104396.FE

Haiti: Domestic violence, especially in rural areas; protection and services available for victims  
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

### 1. Violence Against Women in Haiti

#### 1.1 Violence Targeting Women in General

Several sources state that violence against women in Haiti is "widespread" (MADRE *et al.* 26 Apr. 2012, 2; Freedom House 2012; Violence Prevention & Women's Resource Center 28 Feb. 2011). *Country Reports on Human Rights Practices for 2012*, published by the United States (US) Department of State, reports that, according to the United Nations (UN), there are "near daily" incidents of domestic rape and violence in Haiti (US 19 Apr. 2013, 25).

Sources state that violence against women was already prevalent even before the earthquake that hit the country [in January 2010] (Violence Prevention & Women's Resource Center 28 Feb. 2011; Human Rights Watch 2011, 1). According to Human Rights Watch, the disaster [Human Rights Watch English version] "has exacerbated the vulnerabilities" of women and girls in Haiti (*ibid.*).

Sources indicate that 70 percent of Haitian women have been affected by gender-based violence (The Haitian Times 20 Feb. 2013; USIP 6 Jan. 2012, 2). According to the United States Institute of Peace (USIP), "much" of the violence against these women has been domestic (*ibid.*, 2).

According to a report written by MADRE in collaboration with several other human rights organizations, gender-based violence in Haiti is perpetuated and justified by "entrenched" social norms (MADRE *et al.* 26 Apr. 2012, 2). MADRE is an international non-profit women's human rights organization located in New York City (MADRE n.d.). The authors of the report add that violence against women takes many forms, including physical, sexual and psychological violence (*ibid.*).

#### 1.2 Domestic Violence

In correspondence sent to the Research Directorate, the Executive Director of Asosyasyon fanm soley dayiti (AFASDA) and the Coordinator of Fanm deside, women's rights NGOs in Haiti, both confirmed that domestic violence is [translation] "very widespread" in Haiti (AFASDA 22 May 2013; Fanm deside 20 May 2013). In a telephone interview with the Research Directorate, the Director of the Observatory on Regional Development and Gender-based Analysis (Observatoire sur le développement régional et l'analyse différenciée selon les sexes, ORÉGAND) at the Université du Québec en Outaouais, who is also a professor of social work and who has conducted in-depth studies on the situation of women in Haiti, also stated that domestic violence there is [translation] "very widespread" (Director 10 May 2013). *Country Reports 2012* notes that, according to some women's rights and human rights NGOs, domestic violence against women in Haiti "remained commonplace and underreported" (US 19 Apr. 2013, 26). According to a shadow report presented by the Haiti Gender Equality Collective (Collectif Haïti Égalité), a coalition of groups and individuals advocating for the rights of women (Collectif Haïti Égalité n.d.), in response to a report on the reconstruction of Haiti published by the Haitian government, even before the earthquake, there had already been a "high rate" of domestic abuse against women and girls (Collectif Haïti Égalité 2010, 20).

According to The Haitian Times, an online magazine based in New York City that covers current affairs in Haiti (The Haitian Times n.d.), a survey conducted by the Ministry of Health in Haiti during an unspecified period found that, out of 10,757 women surveyed between the ages of 15 and 49, 10.8 percent reported having experienced sexual

violence from an intimate partner (ibid. 20 Feb. 2013).

A report from Solidarite Fanm Ayisyen (SOFA), a women's rights NGO that has worked in Haiti since 1987 and that offers intake and support services to women and girls who are victims of violence (SOFA Dec. 2011, 1), states that 2,037, or 85.94 percent, of the 2,370 women victims of violence taken in by the organization were victims of domestic violence (SOFA Dec. 2011, 15). SOFA states that these women usually experience the following forms of violence and harm: "insults, death threats, blackmail, manipulation, humiliation, harassment, isolation, rape, forcible confinement, murder, and paternal irresponsibility" (ibid.).

Sources note that Haitian women are financially dependent on men (MADRE 26 Apr. 2012, 20; Collectif Haïti Égalité 2010, 27). According to the MADRE report, domestic violence is "rarely" reported due to this dependence (26 Apr. 2012, 20). In addition, according to a shadow report presented by the Haiti Gender Equality collective, a coalition of groups and individuals that advocate for women's rights (Collectif Haïti Égalité n.d.), the increase in housing costs following the earthquake has "greatly" reduced women's disposable income and savings, making them dependent on men and, accordingly, more vulnerable to domestic violence (2010, 27).

### 1.3 Situation in Rural Areas

Sources note that domestic violence occurs in both rural and urban areas (AFASDA 22 May 2013; Fanm deside 20 May 2013; MADRE 26 Apr. 2012, 2). The Director of ORÉGAND stated that domestic violence is rampant [translation] "throughout" the country (Director 10 May 2013). The Executive Director of AFASDA and the Coordinator of Fanm deside both stated that domestic violence is particularly widespread in rural areas (AFASDA 22 May 2013; Fanm deside 20 May 2013). The Coordinator stated that there is a [translation] "very high rate" of domestic violence in rural areas and added that [translation] "the majority of cases are not reported, and the women do not want to file a complaint" (ibid.).

The Executive Director of AFASDA stated that, during an investigation being conducted by AFASDA, primarily in rural areas, about 600 cases of domestic violence were reported out of more than 2,500 cases of violence against women (22 May 2013). The Coordinator of Fanm deside noted that her NGO saw approximately 40 cases of domestic violence each month in Southeast department (20 May 2013). According to the Executive Director, [translation] "The community tends to accept this type of violence, given that crimes are committed with full knowledge of the community, but there is no response" (AFASDA 22 May 2013). According to the Coordinator, the number of cases in rural areas can be explained by [translation] "a lack of education, information and training, and especially by poverty and a lack of family planning" (Fanm deside 20 May 2013).

The Coordinator also stated that [translation] "the habits and customs of Haitians stem from a patriarchal society, and thus society thinks that it is normal for a man to hit a woman during an argument" (ibid.). She continued by explaining that, [translation] "since it is her spouse, the woman must submit to him because society considers women to be inferior to men. And for men, a husband has the right to punish or beat his wife" (ibid.).

## 2. Protection and Services for Victims of Domestic Violence in General

### 2.1 Protection and Services Offered by the Authorities

According to MADRE, gender-based violence in Haiti is "committed with near complete impunity," and "the government has yet to implement effective measures to curb the violence, punish perpetrators and provide redress for victims" (26 Apr. 2012, 2). According to USIP, the mechanisms for preventing and responding to violence against women that existed before the earthquake were "limited" and were weakened as a result of the earthquake (USIP 6 Jan. 2012, 2). According to the Coordinator of Fanm deside, [translation] "Cases of sexual violence are more readily reported than cases of domestic violence because of societal, religious and family taboos" (Fanm deside 20 May 2013).

#### 2.1.1 Legislation

Marital rape is not a crime in Haiti (US 19 Apr. 2013, 25; MADRE 26 Apr. 2012, 13). According to *Country Reports 2012*, domestic violence against adults is not a distinct crime under the law (US 19 Apr. 2013, 26).

#### 2.1.2 Police and the Judicial System

USIP notes that police stations and courthouses were destroyed by the earthquake, making it more difficult to file reports and fostering a sense of impunity among perpetrators (6 Jan. 2012, 2). According to MADRE, reporting sexual violence to the police, both in rural and urban areas, is "an exercise in futility," and because of the rampant corruption in the judicial system and within the police, many rapes go unreported or unpunished (26 Apr. 2012, 10). The Haitian Times also states that "most of the aggressors are not being prosecuted" (20 Feb. 2013). The Haitian Times adds that investigators are not familiar with gathering medical evidence, and there is poor coordination between the police, health care officials and legal authorities (20 Feb. 2013). Freedom House also reports that "the police have been unwilling to respond to reports of sexual abuse and domestic violence, and the judiciary has shown

reluctance in prosecuting cases" (Freedom House 2012). Similarly, *Country Reports 2012* indicates that the police "rarely" investigated incidents of domestic violence and "rarely" arrested the alleged perpetrators, and judges "often" released suspects arrested for domestic violence and rape (US 19 Apr. 2013, 26).

MADRE notes that women and girls who do make reports are "met with indifference, or worse, harassment and abuse" (MADRE 26 Apr. 2012, 10). According to MADRE, some victims of sexual violence have complained of abusive and discriminatory behaviours by police when they have tried to file a report, which has had traumatizing and dissuasive effects on victims (ibid.). Similarly, SOFA reports that women victims of domestic violence [translation] "have complained of being laughed at by justices of the peace and police officers when they make their reports" (SOFA Dec. 2011, 20). SOFA also states that domestic violence is continually [translation] "minimized" and that victims of this type of violence are "very often rebuffed by the judiciary, the police...or other support organizations when they file reports (ibid., 15).

However, the Executive Director of AFASDA stated that there is [translation] "some willingness" among the authorities and the police to combat domestic violence because of "pressure from women's and human rights organizations" (AFASDA 22 May 2013). She added that the authorities and the police will direct victims of violence to organizations that deal with violence against women (ibid.). Similarly, the Coordinator of Fanm deside stated the following:

[translation]

Before, the legal framework was disjointed. Representatives of the system also thought it was normal for a woman to be beaten or abused by her husband. They even used to blame the women victims-a question of mentality. However, currently, things are improving, because there has been a great deal of training and awareness. They are also investing more to fight violence against women, and they also refer women to organizations that work in the field (Fanm deside 20 May 2013).

The Coordinator nevertheless added that [translation] "the rare cases that are reported to the police are still not taken into account" and that "the police do not have the means to execute warrants on time" (ibid.).

However, sources have seen signs that women are becoming more likely to reject domestic violence and to ask for help (ibid.; AFASDA 22 May 2013). The NGO SOFA reports that the high proportion of domestic violence cases (85.94 percent) compared with cases of violence in general that are reported to it [translation] "shows that women are gaining more and more awareness and are therefore rejecting this form of ... violence that they have been forced to accept as being an integral part of their 'intimate and private life'" (Dec. 2011, 20). However, according to the Coordinator of Fanm deside, some women victims of domestic violence who report such abuse abandon the process part-way through due to economic uncertainties and out of concern for their children (20 May 2013). The Coordinator added that these women are [translation] "often" blamed by family members or the community and are treated like "bad or did something wrong" (ibid.). In addition, according to *Country Reports 2012*, victims have sometimes suffered further harassment and reprisals from perpetrators (US 19 Apr. 2013, 26).

### 2.1.3 Ministry of Women's Affairs (Ministère à la Condition féminine et aux Droits des femmes)

According to USIP, the Ministry of Women's Affairs (Ministère à la Condition féminine et aux Droits des femmes) was destroyed, "hampering its ability to develop an adequate response to reports of sexual and gender-based violence" (USIP 6 Jan. 2012, 2). In addition, The Haitian Times notes that the Ministry lost staff in the earthquake who were drafting laws to protect women's rights, and the review of these laws by the Haitian Parliament has been stalled indefinitely (20 Feb. 2013).

According to Freedom House, the Ministry also lacks resources (2012). Some sources note that the government proposed to eliminate the Ministry of Women's Affairs (USIP 6 Jan. 2012, 2) or fold it into the Ministry of Social Affairs (Freedom House 2012). However, the government reportedly backtracked on the proposal because of opposition from women's groups (USIP 6 Jan. 2012, 2; Freedom House 2012).

### 2.1.4 Medical Certificates

Sources note the importance of having a medical certificate in cases of sexual violence in order to file a complaint (MADRE 26 Apr. 2012, 11-12; SOFA Dec. 2011, 20). SOFA reports that accessibility to the medical certificate is a [translation] "serious problem" because health services are not available in some parts of the country (ibid.). MADRE also notes the difficulty in obtaining a medical certificate, especially in rural areas, because of the limited access to medical care, stating that women may need to travel long distances to obtain one (26 Apr. 2012, 12).

In addition, SOFA and MADRE report that there is no national, uniform medical certificate (MADRE 26 Apr. 2012, 12; SOFA Dec. 2011, 20). SOFA adds that, because of differences in medical certificates, some judges may reject certain certificates submitted as evidence (ibid.).

## 2.2 NGOs

According to the Coordinator of Fanm deside, [translation] "women's organizations have done a lot of work in terms of increasing awareness and providing training and information on the various forms of violence against women" (20 May 2013). In addition, according to the Executive Director of AFASDA, there are [translation] "many" NGOs that assist victims of domestic violence (22 May 2013). However, the Coordinator of Fanm deside stated that women's organizations "that support women victims are few, and some of them do only limited work, such as listening and referrals" (20 May 2013).

According to Freedom House, services for women were undercut by the devastation caused by the earthquake in January 2010 to civil society organizations that provided reproductive health services, shelter and psychosocial support to victims of rape (2012). Other sources also note that organizations that assist women in Haiti were affected by the earthquake (The Haitian Times 21 Feb. 2013; USIP 6 Jan. 2012). According to USIP, three of the most prominent women's advocacy groups in Haiti were weakened when their directors were killed in the earthquake and that "thousands" of activists were killed, injured or displaced following the disaster (6 Jan. 2012). The Haitian Times also reports that many women's rights NGOs lost key members during the disaster and are trying to get back on their feet (21 Feb. 2013).

According to the Executive Director of AFASDA, the organization has 12 legal aid offices in the communes of the North and Northeast departments, including one office in Cap-Haïtien and two others in Port-au-Prince (AFASDA 22 May 2013). The NGO also runs a shelter in Cap-Haïtien and provides legal, psychosocial and medical support, and sometimes financial assistance (ibid.).

According to the Coordinator of Fanm deside, her organization provides victims of sexual and domestic violence with [translation] "a fairly complete range of support services throughout the Southeast department," including "intake, legal assistance, medical follow-up and shelter, if necessary" (20 May 2013).

## 2.3 Protection and Services for Victims of Domestic Violence in Rural Areas

According to the MADRE report, rape victims in rural areas face the same challenges regarding access to justice and impunity as victims in urban areas (MADRE 26 Apr. 2012, 10). The authors of the MADRE report add that women in rural areas, like in urban areas, do not have the means to retain a lawyer, and filing a complaint could jeopardize their safety (ibid., 11).

The Coordinator of Fanm deside stated that there is little police or judicial presence in rural areas (20 May 2013). According to *Country Reports 2012*, the presence of law enforcement and judicial authorities is "severely limited or nonexistent" in rural areas (US 8 Apr. 2013, 33). The Director of ORÉGAND stated that, due to isolation, it can take up to an hour to walk to a police station (Director 10 May 2013). However, some sources report that the Local Section Administration Boards (Conseils d'administration de sections communales, CASEC) (Haiti Libre 18 Aug. 2011)] handle disputes in rural areas (Fanm deside 20 May 2013; US 19 Apr. 2013, 13). *Country Reports 2012* explains that, despite government attempts to increase the number of judges assigned to rural communes, people have to turn to CASECs-elected communal administrators, who took the place of judges and asserted powers of arrest, detention and issuance of legal judgments-for redress (ibid.). According to the Coordinator, this situation violates Haitian laws (Fanm deside 20 May 2013).

### 2.3.1 The Example of the Rural Town of Jérémie

In rural areas, the MADRE team looked in particular at the situation in the city of Jérémie (MADRE 26 Apr. 2012, 5, 11). The information in the following paragraphs comes from the MADRE report.

The MADRE report states that, although sexual violence in Jérémie is more likely to be committed by an acquaintance of the victim, thus making it easier to identify the offender, "authorities are more likely to treat these cases as domestic problems, meaning that they will not intervene" (ibid., 11). In addition, a "culture of corruption" impedes justice in Jérémie, and the authorities "routinely" disregard the law, contributing to the challenges facing victims of sexual violence when they seek justice (ibid., 11).

The MADRE report also states that the police in Jérémie lack resources, noting that one police officer in the city has to pay for her own cellphone and her transportation expenses (ibid., 11).

According to the MADRE report, a police officer and a prosecutor interviewed by MADRE stated that, in Jérémie, prosecution could not proceed without a medical certificate (ibid., 12). MADRE also reported that there was confusion among health professionals in Jérémie surrounding the need for medical certificate and who can issue one (ibid., 12).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

## References

Asosyasyon fanm soley dayiti (AFASDA). 22 May 2013. Correspondence sent to the Research Directorate by the Executive Director.

\_\_\_\_\_. N.d. "Home Page." < [Accessed 31 May 2013]

Collectif Haïti Égalité. 2010. *The Haiti Gender Shadow Report: Ensuring Haitian Women's Participation and Leadership in All Stages of National Relief and Reconstruction*. < [Accessed 21 May 2013]

\_\_\_\_\_. N.d. "Collective's Members / Membres du collectif." < [Accessed 13 juin 2013]

Director, Observatoire sur le développement régional et l'analyse différenciée selon les sexes (ORÉGAND), Université du Québec en Outaouais. 10 May 2013. Telephone interview with the Research Directorate.

Fanm deside. 20 May 2013. Correspondence sent to the Research Directorate by the Coordinator.

Freedom House. 2012. "Haiti." By Beatrice Lindstrom in *Countries at the Crossroads*. < [Accessed 21 May 2013]

Haïti Libre. 18 August 2011. "Haïti - Élections : La Fédération des CASEC souhaite l'organisation d'élections municipales." < [Accessed 14 June 2013]

The Haitian Times. 20 February 2013. Garry Pierre-Pierre. "Curbing Violence Against Women in Haiti." < [Accessed 21 May 2013]

\_\_\_\_\_. N.d. "About." < [Accessed 13 June 2013]

Human Rights Watch. 2011. *Personne ne se souvient de nous : le droit des femmes et des filles à la santé et à la sécurité n'est pas protégé dans l'Haïti de l'après-séisme*. < [Accessed 21 May 2013]

MADRE et al. 26 April 2012. *Supplementary Information on Haiti Regarding Sexual Violence, Sexual Exploitation and Access to Education for Women and Girls*. < [Accessed 21 May 2013]

\_\_\_\_\_. N.d. "Who We Are." < [Accessed 31 May 2013]

Solidarite Fanm Ayisyèn (SOFA). December 2011. *Rapport - Bilan XI des cas de violence accueillis et accompagnés dans les centres d'accueil de la Sofa : année 2010-2011*. < [Accessed 21 May 2013]

United States. 19 April 2013. Department of State. "Haïti." *Country Reports on Human Rights Practices for 2012*. < [Accessed 21 May 2013]

United States Institute of Peace (USIP). 6 January 2012. Robert Maguire. *Haitian Women: The Centerposts of Reconstructing Haiti*. < [Accessed 21 May 2013]

Violence Prevention & Women's Resource Center. 28 February 2011. "Vagina Monologues Raises Funds for Haiti." < [Accessed 21 May 2013]

## Additional Sources Consulted

**Oral sources:** A representative of KOFAVIV was unable to provide information within the time constraints of the Response. Attempts to contact the following organizations and individuals were unsuccessful: Caritas Haïti, a researcher at the Université d'État d'Haïti, Centre d'appui familial, Kay Fanm, Enfofanm, Solidarite Fanm Ayisyèn, United Nations Population Fund – Haiti.

**Internet sites, including:** Amnesty International; Association for Women's Rights in Development; Care France; Centre d'appui familial; ecoi.net; Factiva; France – Cour nationale du droit d'asile; Haiti – Institut du bien-être social et de recherche, Ministère de la Santé publique et de la Population, Ministère à la Condition féminine et aux Droits des femmes; United Nations – United Nations High Commissioner for Refugees, United Nations Population Fund – Haiti, UN Women, Refworld, ReliefWeb, Integrated Regional Information Networks; Refugees International; United States – Department of State; Université du Québec en Outaouais – Observatoire sur le développement régional et l'analyse différenciée selon les sexes; World Bank; Zonta International.

[Click here for tips on how to use this search engine.](#)